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Jun 05 2024

SC Court of Appeals

STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

Appeal from Jasper County

Honorable Carmen T. Mullen, Circuit Court Judge

THE STATE,

RESPONDENT,

V.

BENJAMIN WALTER DUBOIS III,

APPELLANT

APPELLATE CASE NO. 2023-001307

MOTION FOR EXTENSION OF TIME
TO FILE INITIAL BRIEF OF APPELLANT
AND DESIGNATION OF MATTER

The undersigned counsel respectfully requests a thirty day extension in which to file the initial brief of appellant and designation of matter in the above-referenced case. In support of this motion, counsel would respectfully show the Court the following extraordinary circumstances:

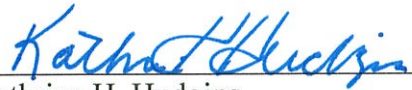
1. The initial brief of appellant and designation of matter in this case are due to be served and filed today.
2. Counsel filed the initial brief of respondent and designation of matter in the case of The State v. Christopher Quick with the Court of Appeals on June 4, 2024. Counsel had an oral argument in the case of The State v. Olandio Workman before the Supreme Court on May 22, 2024. Counsel had an oral argument in the case of The State v. Jason Edwin Stoots before the

Supreme Court on May 21, 2024. Counsel filed the brief of petitioner in the case of The State v. Terrell Denard Knightner with the Supreme Court on May 17, 2024. Counsel had an oral argument in the case of Francisco R. Rodriguez v. The State before the Court of Appeals on May 8, 2024. Counsel filed the brief of petitioner in the case of Lindy Lamont Jones v. The State with the Court of Appeals on May 1, 2024. Counsel filed the brief of respondent in the case of Willie Marvin Williams v. The State with the Court of Appeals on April 29, 2024. Counsel filed the petition for writ of certiorari and accompanying appendix in the case of Chevis Morris v. The State with the Supreme Court on April 9, 2024. Counsel filed the petition for writ of certiorari to the Court of Appeals in the case of The State v. James L. Ginther with the Supreme Court on April 2, 2024. Counsel filed the Anders brief of appellant, designation of matter and record on appeal in the case of The State v. Michael Roldan with the Court of Appeals on March 28, 2024. Counsel filed the initial brief of appellant and designation of matter in the case of The State v. Terry L. Sanders with the Court of Appeals on March 25, 2024. Counsel filed the petition for writ of certiorari and accompanying appendix in the case of Antonio O. Simmons v. The State with the Supreme Court on March 15, 2024. Counsel filed the petition for writ of certiorari pursuant to Austin v. State in the case of Antonio O. Simmons v. The State with the Supreme Court on March 15, 2024.

3. Opposing counsel, the Attorney General's Office, has graciously consented to this extension request by way of the thirty day general consent granted by Deputy Attorney General Donald J. Zelenka for all Appellate Defense extensions through June 30, 2024. That emailed general consent was dated May 31, 2024.

WHEREFORE, the undersigned counsel would respectfully request a thirty day extension. Counsel respectfully requests that the time limits for filing the initial brief of appellant and designation of matter be held in abeyance pending a ruling on this motion.

Respectfully submitted,



Kathrine H. Hudgins
Appellate Defender



Robert M. Dudek
Chief Appellate Defender

This 5th day of June, 2024.

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CERTIFICATE OF SERVICE

Pursuant to Rule 262(a)(3) and Rule 262(c)(3), SCACR, the undersigned hereby certifies a true copy of the motion for extension of time to file initial brief of appellant and designation of matter in the above-referenced case has been served upon Melody J. Brown, Esquire, at the primary e-mail address listed in the Attorney Information System (AIS), this 5th day of June, 2024.


Kathrine H. Hudgins

Appellate Defender

ATTORNEY FOR APPELLANT

From: [Stock, Chris](#)
To: [SC - BROWN MELODY; Angela Brown](#)
Cc: [Hudgins, Kathrine](#)
Subject: Dubois, B. - 3rd Request for Extension for Initial Brief of Appellant - 2023-001307
Date: Wednesday, June 5, 2024 3:58:55 PM
Attachments: [Dubois, B. - 3rd Request for Extension for Initial Brief of Appellant - 2023-001307.pdf](#)

Ms. Brown,

Please find attached for service the 3rd Request for Extension for Initial Brief of Appellant and Designation of Matter for Benjamin Walter DuBois' appeal which will be filed today with the Court of Appeals.

Thank you.

Chris

Chris Stock
Administrative Assistant
Commission on Indigent Defense
Appellate Division
(803) 734-1330